



Legislative Analysis Sheet 2010 Legislative Session

Federal Fostering Connections to Success and Increasing Adoptions Act of 2008 Compliance Legislation

Purpose of Legislation:

This legislation would assure Division of Family and Children Services (DFCS) compliance with the federal Fostering Connections to Success and Increasing Adoptions Act of 2008. This proposal would include:

- a. Adding an element to the case planning process to ensure that reasonable effort are made to assure placement of siblings together or to allow them ample visitation if they cannot be placed together,
- b. Adding a case planning requirement regarding attention to the health and educational needs of foster children, and
- c. Requiring a written transitional living plan for every child be completed no later than 90 days prior to their 18th birthday or their eventual exit from care.

Consequences of Not Pursuing:

The federal Child and Family Services Review (CFSR) measures substantial conformity by states with three broad measures of performance in child welfare: safety, permanence, and well-being. The provisions described above are designed in federal law to impact the permanence (sibling placement, written transitional living plans) and well-being (health and education needs) indicators. Although the CFSR does not currently measure compliance with these new requirements enacted in 2008, the measures will be revised prior to the next round of on-site state reviews tentatively scheduled for 2011. Failure to comply with the new federal law could result in the inability to pass the Child and Family Services Review, which comes with a multi-million dollar financial penalty that is required to be paid from state funds. Additionally, non-compliance with the federal law could result in withholding of all or any portion of the federal funds used to provide child welfare services.

Georgia Code (O.G.C.A) Impacted

§15-11-58(c),(f) and (o)

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A BILL TO BE ENTITLED

AN ACT

To amend Article 1, Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile court proceedings so as to provide for additional requirements for case plans and permanency plans submitted and approved by the juvenile court for children in the custody of the Division of Family and Children Services of the Department of Human Services and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated is hereby amended by striking subsection (c) of Code Section 15-11-68 in its entirety and substituting in lieu thereof the following:

“(c) If the report contains a plan for reunification services, such plan if adopted by the court shall be in effect until modification by the court. The plan shall address each reason requiring removal and shall contain at least the following:

(1) The purpose for which the child was placed in foster care, including a statement of the reasons why the child cannot be adequately protected at home and the harm which may occur if the child remains in the home and shall also include a description of the services offered and the services provided to prevent removal of the child from the home;

(2) A discussion of how the plan is designed to achieve a placement in a safe setting

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that is the least restrictive, most family-like, and most appropriate setting available and in close proximity to the home of the parents, consistent with the best interests and special needs of the child;

(3) A clear description of the specific actions to be taken by the parents and the specific services to be provided by the Division of Family and Children Services of the Department of Human Resources or other appropriate agencies in order to bring about the identified changes that must be made in order for the child to be safely returned home; provided, however, that all services and actions required of the parents which are not directly related to the circumstances necessitating separation cannot be made conditions of the return of the child without further court review;

(4) Specific time frames in which the goals of the plan are to be accomplished to fulfill the purpose of the reunification plan;

(5) The person within the Division of Family and Children Services of the Department of Human Resources or other agency who is directly responsible for ensuring that the plan is implemented; ~~and~~

(6) Consideration of the advisability of a reasonable visitation schedule which allows the parents to maintain meaningful contact with their children through personal visits, telephone calls, and letters;

(7) A statement that reasonable efforts have been made and a requirement that reasonable efforts shall be made, for so long as the child remains in the custody of the department:

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(A) To place siblings removed from their home in the same foster care, kinship, guardianship, or adoptive placement, unless the Division of Family and Children Services documents that such a joint placement would be contrary to the safety or well-being of any of the siblings, and

(B) In the case of siblings removed from their home who are not so jointly placed, for frequent visitation or other ongoing interaction between the siblings, unless the to provide Division of Family and Children Services documents that frequent would be contrary to the safety or well-being of any of the siblings; visitation or other ongoing interaction

(8) Provisions ensuring the educational stability of the child while in foster care, including:

(A) An assurance that the placement of the child in foster care takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement; and

(B) An assurance that the State agency has coordinated with appropriate local educational agencies to ensure that the child remains in the school in which the child is enrolled at the time of placement; or

(C) If remaining in such school is not in the best interests of the child, an assurances by the Division of Family and Children Services that such Division and the local educational agencies have cooperated to assure the immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to the school; and

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(9) A requirement that the Division of Family and Children Services of the Department of Human Services case manager and staff, and, as appropriate, other representatives of the child provide the child with assistance and support in developing a transition plan that is personalized at the direction of the child, includes specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, and work force supports and employment services, and is as detailed as the child may elect, in the 90 day period immediately prior to the date on which the child will attain 18 years of age.

SECTION 2.

Article 1 of Chapter 11 of Title 58 of the Official Code of Georgia Annotated is hereby amended by striking subsection (f) of Code Section 15-11-58 in its entirety and substituting in lieu thereof the following:

“(f) When a recommendation is made that reunification services are not appropriate and should not be allowed, the report shall address each reason requiring removal and shall contain at least the following:

(1) The purpose for which the child was placed in foster care, including a statement of the reasons why the child cannot be adequately and safely protected at home and the harm which may occur if the child remains in the home and a description of the services offered and the services provided to prevent removal of the child from the home; and

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(2) A clear statement describing all of the reasons supporting a finding that reasonable efforts to reunify a child with the child's family will be detrimental to the child, and that reunification services therefore need not be provided, including specific findings as to whether any of the grounds for terminating parental rights exist, as set forth in subsection (b) of Code Section 15-11-94 or paragraph (4) of subsection (a) of this Code section.; and

(3) The Statements, Provisions and requirements found in subparagraphs (7) and (8) of subsection (c) of this Code Section.

SECTION 3.

Article 1, Chapter 11 of Title 15 of the Official Code of Georgia Annotated is hereby amended by striking paragraph (7) of subsection (o) of Code Section 15-11-58 in its entirety and substituting in lieu thereof the following:

“7) A supplemental order of the court adopting the permanency plan must be entered within 30 days after the court has determined that reunification efforts will not be made by the Division of Family and Children Services of the Department of Human Resources, if applicable, or within 12 months after the child is considered to have entered foster care, whichever is first, and at least every 12 months thereafter while the child is in foster care, unless the court finds good cause why such order cannot be entered by that time. The supplemental order shall include a requirement that the Division of Family and Children Services of the Department of Human Services case manager and staff, and, as appropriate, other representatives of the child provide the child with assistance and support in developing a transition plan that is personalized at the direction of the child, includes specific options on housing, health insurance,

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education, local opportunities for mentors and continuing support services, and work force supports and employment services, and is as detailed as the child may elect, in the 90 day period immediately prior to the date on which the child will attain 18 years of age.

Section 4.

This bill shall become effective upon its approval by the Governor or upon its becoming law without such approval.

Section 5.

All laws and parts of laws in conflict with this law are repealed.